

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
JAMES B. LUCAS,

Plaintiff,

-against-

ORDER  
19-CV-0100 (JS) (AKT)

SUFFOLK COUNTY CORRECTIONAL  
FACILITY and PECONIC BAY HOSPITAL,

Defendants.

-----X  
APPEARANCES

For Plaintiff: James B. Lucas, pro se  
618355  
Suffolk County Correctional Facility  
110 Center Drive  
Riverhead, New York 11901

For Defendants: No appearances.

SEYBERT, District Judge:

On January 2, 2019, incarcerated pro se plaintiff James B. Lucas ("Plaintiff") filed a Complaint in this Court. However, Plaintiff did not remit the filing fee nor did he file an application to proceed in forma pauperis. Accordingly, by Notice of Deficiency dated January 7, 2019 (the "Notice"), Plaintiff was instructed that, in order for his case to proceed he must, within fourteen (14) days, either remit the filing fee or file the enclosed application to proceed in forma pauperis and Prisoner Litigation Authorization form ("PLRA"). (See Notice, Docket Entry 2.)

To date, the Notice has not been returned to the Court and Plaintiff has not complied nor has he otherwise communicated with the Court. Accordingly, it appears that Plaintiff is no longer interested in pursuing this case and it is thus DISMISSED WITHOUT PREJUDICE pursuant to Federal Rule of Civil Procedure 41(b). The Clerk of the Court is directed to CLOSE this case and to mail a copy of this Order to the pro se Plaintiff.

The Court certifies pursuant to 28 U.S.C. § 1915(a) (3) that any appeal from this Order would not be taken in good faith and therefore in forma pauperis status is DENIED for the purpose of any appeal. See Coppedge v. United States, 369 U.S. 438, 444-45, 82 S. Ct. 917, 8 L. Ed. 2d 21 (1962).

SO ORDERED.

/s/ JOANNA SEYBERT  
JOANNA SEYBERT, U.S.D.J.

Dated: June 5, 2019  
Central Islip, New York